

REMARKS

This Amendment is in response to the Office Action mailed on October 3, 2003. A petition for three-month extension of time, and a check in the amount of \$950.00 are submitted herewith. In the event any additional amounts are required in connection with the present Amendment, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Specification Requirement/Drawing Objection

In response to the requirement concerning the Specification, a substitute Specification is submitted herewith. In response to the objection to the drawings, the substitute Specification includes an amendment to the paragraph beginning on page 3, line 16 of the specification as originally filed (paragraph [0014] of the substitute Specification). Specifically, in line 2 of that paragraph, "(PET)" has been deleted. In light of this amendment to the specification, it is respectfully submitted that the objection to the drawings has been resolved, and that no proposed drawing correction or corrected drawings are necessary.

Claim Objections

The present amendments to the claims are understood to overcome the objections to claims 1-5 and 7-9 at pages 2-4 of the Office Action.

35 U.S.C. § 112 Claim Rejections

Claims 6, 7 and 9 were rejected for allegedly failing to comply with the written description requirement. According to the Office Action, the recitation in claim 6 of "at least one LED radiant field (3) which can be activated in the individual containers" is not supported by the disclosure, but that the disclosure does discuss an LED radiant field activated to produce flashes which are projected onto individual containers. In response, the Applicants amended claim 6 by deleting "containers" and substituting -- flashes --. The claim was also amended by

deleting "the" before "individual". It is respectfully submitted that the -- flashes -- language is supported by the Specification as originally filed and does not add any new matter.

Claims 1-3 and 8 were rejected as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention, based on an alleged discrepancy between claim 1 and the disclosure. In response, the Applicants amended claim 1 by deleting "and evaluating" before "by a single CCD camera" and adding the language -- evaluating the exposures by an evaluation device, -- after "at least two exposures of the same container,". It is respectfully submitted that claim 1, as amended, is consistent with the disclosure and that all rejections under 35 U.S.C. § 112 have been overcome.

35 U.S.C. § 102 Claim Rejections

Claims 1-5 were rejected under 35 U.S.C. § 102 as being allegedly anticipated by Bonewitz et al., U.S. Patent No. 5,917,602. The Applicants respectfully submit that the Bonewitz et al. reference fails to anticipate claims 1-5. As described in Bonewitz et al., e.g. at col. 6, line 64-col. 7, line 5, when the conveyor speed varies, an electronic control provides a signal to control the exposure of the camera. The exposure is increased as the camera speed increases, so as to *keep the light gathering capability of the camera substantially constant* with respect to a varying conveyor pulse time. That operation is exactly the opposite of the Applicants' claims, which encompass changing the exposure time to influence the light gathering capability of the camera to obtain at least two different exposures of the same container: One for checking the container sidewall and another for checking the container profile, or contour.

As indicated in the Bonewitz et al. reference, the camera described therein is a line scan camera (see, e.g., col. 5, line 58) that needs a compensation of the exposure due to the variable camera speed, which depends on the conveyor speed. Column 5, lines 46-51 of Bonewitz et al.

describe how to adapt the lighting assembly 160 to the inspection type (defect or profile inspection) by altering the characteristics of the light. This can be achieved with optical layers (see line 39-46). Both inspections can be performed by one camera, for example, in combination with a lighting assembly with two separate fields with different light characteristics, or by using different lighting assemblies, as described in column 9, line 37 - column 10, line 11. Thus, the reference discloses adapting the lighting to the type of inspection, as opposed to adapting the camera, as instructed by Applicants' claims. It is therefore respectfully submitted that claims 1-5, as amended, are not anticipated by the Bonewitz et al. reference.

35 U.S.C. § 103 Claim Rejections

Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bonewitz et al., as applied in the Office Action to claim 4, and further in view of Novini, U.S. patent No. 5,095,204. Inasmuch as Bonewitz et al. fail to disclose a variation of the exposure time of the camera for obtaining at least two different images of the same container, one for inspecting the contour and another one for inspecting the sidewall of the container, it is respectfully submitted that the Bonewitz et al. reference, alone or in combination with Novini, as proposed in the Office Action, fails to suggest or render obvious the Applicants' claims 6-9.

CONCLUSION

The Applicants respectfully submit that the claims, as amended, are now in condition for allowance. The Examiner's reconsideration and favorable action are respectfully solicited.

Respectfully submitted,



Jeremy R. Kriegel
Reg. No. 39,257

Date: March 31, 2004

Application No. 09/914,536
Amendment dated March 31, 2004
In Response to Office Action mailed October 3, 2003

Marshall, Gerstein & Borun LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357
Phone: (312) 474-6300
Fax: (312) 474-0448